

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM MATTHEW FAILES,)
vs.)
Plaintiff,)
vs.) Case No. CIV-13-0638-HE
GARFIELD COUNTY BOARD OF)
COUNTY COMMISSIONERS; and)
JERRY NILES, Garfield County Sheriff,)
Defendants.)

ORDER

Plaintiff, a state prisoner appearing *pro se* and proceeding *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated while he was incarcerated at the Garfield County Detention Facility in Enid, Oklahoma. The matter was referred to Magistrate Judge Charles B. Goodwin for initial proceedings, consistent with 28 U.S.C. § 636(b)(1)(B). The magistrate judge has recommended that plaintiff's federal claims be dismissed with prejudice for failure to state a claim and that the court decline to exercise supplemental jurisdiction over any state law claims.

Objections to the Report and Recommendation were due by May 7, 2014. On May 1, 2014, plaintiff filed a motion stating that he was in custody in Arizona and asking the court to grant him an extension of time to respond to the Report and Recommendation until thirty days after he returned to Oklahoma.¹ By order entered May 2, 2014, the court directed plaintiff to file his response to the Report and Recommendation by June 9, 2014, or, if

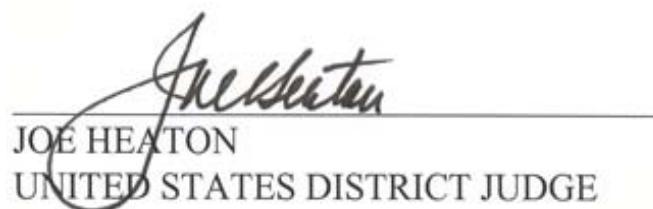
¹*The motion was accompanied with a letter dated April 26, 2014. See Doc. #46-1.*

additional time was needed, to request another extension of the filing deadline. The court's May 2, 2014, Order was returned as undeliverable. Plaintiff has filed several notices advising the court of changes in his address, but he has not provided the court with his current address. Although plaintiff is proceeding *pro se*, he, like every other litigant, is required to notify the court of any address change. LCvR5.4.

Having failed to object to the Report and Recommendation, plaintiff has waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. §636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation of Magistrate Judge Goodwin and dismisses plaintiff's federal claims in his Second Amended Complaint with prejudice to refiling for failure to state a claim upon which relief may be granted. The court declines to exercise supplemental jurisdiction over any state law claims, which are dismissed without prejudice.

IT IS SO ORDERED.

Dated this 16th day of June, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE